

HONOURABLE MS JUSTICE G. ROHINI

WRIT PETITION No. 21811 of 2001

Dated 18th July 2007

Between:

Y. Rangeswhar,
Mattewada,
Warangal.

.....Petitioners

and

The Government of A.P., rep by its Secretary, Revenue
(Excise) Department, Secretariat Buildings, Hyderabad
and others.

.....Respondents.

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ORDER:

The petitioner herein was granted a license under Andhra Pradesh Excise (Indian Liquor and Foreign Liquor Retail sale Conditions of Licences) Rules, 1993 for sale of all kinds of Indian Liquor and Foreign Liquor at Athmakur for the year from 18.4.1997 to 31.3.1998. The petitioner claims that whereas the lease period commenced on 18.4.1997, the licence was issued in favour of the petitioner only on 21.6.1997 and consequently, the petitioner could not carry on the business for more than two months after the grant of lease. In the circumstances, the petitioner sought remission of the licence fee for the period from 18.4.1997 to 20.06.1997, however the same was not considered. Hence, this writ petition.

At the out set, it is to be noted that a Full Bench decision of this Court in **Sri Narsimha Wines and Others**

v. Prohibition and Excise Superintendent, Medak

District at Sangareddy and others^[1], having considered an identical issue held that no writ of Mandamus can be issued directing the respondents to grant remission for the period during which no business was carried on.

In the light of the ratio laid down in the above decision, the writ petition is devoid of merit and the same is accordingly dismissed.

No costs.

(G.ROHINI, J)

Dated: 18th July 2007

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^[1] 2001 (6) ALT 240 (FB)